

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

DB STRUCTURED PRODUCTS, INC.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

LENDER LTD.

07 CV 4119

TO: (Name and address of defendant)

LENDER LTD.  
7789 E. M-36  
Whitmore Lake, MI 48189-9715

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

THACHER PROFFITT & WOOD LLP  
Richard F. Hans (RH-0110)  
John P. Doherty (JD-3275)

Two World Financial Center  
New York, New York 10281  
(212) 912-7400

an answer to the complaint which is herewith served upon you, within TWENTY days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

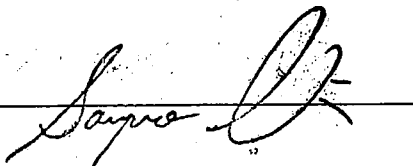
J. MICHAEL McMAHON

CLERK

DATE

MAY 25 2007

(BY) DEPUTY CLERK



AO 440 (Rev. 10/93) Summons in a Civil Action -SDNY WEB 4/99

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of Server</p>   <p>_____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Page 1

L919657985T

JUN 20 2007 03:10P

Jun-20-2007 11:36

From-SERVING BY IRVING

212-346-3338

7-545 P.002/002 F-255

PUBLISHED, NYE 10013

151 - Affidavit of Service of Summons or Subpoena, Personal or Alternative  
 Mailed Copy of Summons or Subpoena, 10 p. 1-95

COURT UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

DB STRUCTURED PRODUCTS, INC.

Index No. 07 CV 4119

**AFFIDAVIT OF  
 SERVICE OF SUMMONS  
 (AND COMPLAINT)**  
 SEE ATTACHED RIDER

LENDER LTD.

Plaintiff(s)

against

Defendant(s)

MICHIGAN  
 STATE OF MICHIGAN, COUNTY OF MACOMB

party herein, is over 18 years of age and resides at:

That on 6/8/07 at 12:25P.M., at 7789 EAST M-36, WHITMORE LAKE, MICHIGAN

deponent served the within summons, and complaint on LENDER LTD.  
 SEE ATTACHED RIDER

SS: The undersigned, being duly sworn, deposes and says: deponent is not a  
 defendant therein named.

UNDERTAKING

1. ☐

CONFIRMATION

2. ☐

VARIABLE AND PERSONS

3. ☐

AFFIDAVIT TO DEED, ETC.

4. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

a DOMESTIC corporation, by delivering thereto a true copy of each to CHRIS FALKNER personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be ASSISTANT VICE PRESIDENT thereof; authorized agent to accept service. a person of suitable age by delivering thereto a true copy of each to by affixing a true copy of each to the door of said premises, which is defendant's actual place of business—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereto, having called there

QUALIFIED TO  
 USE WITH 2 OR 4

5A. ☐

QUALIFIED TO  
 USE WITH 3 OR 4

5B. ☐

DESCRIPTION  
 USE WITH 1, 2, OR 3

☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to and deposited defendant at defendant's last known residence, at said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
 NYC CIVIL CT.

☐

MILITARY  
 SERVICE

☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on DANIEL J. PETERS  
 Notary Public, State of Michigan  
 County of Macomb  
 My Commission Expires Feb. 9, 2012  
 Acting in the County of macomb

Daniel J. Peters  
 6/25/07

COKEY GOUGH

License No.

NOTARY PUBLIC: Check appropriate boxes and fill in blanks. Delete inappropriate verbiage and military service allegation if not applicable.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X Case No. 07 CV 4119  
DB STRUCTURED PRODUCTS, INC.

Plaintiff,  
vs.

**RIDER TO  
AFFIDAVIT OF  
SERVICE**

LENDER LTD.

Defendants.  
-----X

List Of Documents Served:

- Summons In A Civil Case
- Complaint With Exhibits 1-3
- Explanation Of Relatedness
- Statement Pursuant To Rule 7.1 Of The Federal Rules Of Civil Procedure
- Civil Cover Sheet
- Individual Practices In Civil Cases Denise Cote, United States District Judge
- Individual Rules Of Practice Of Judge Kevin Nathaniel Fox
- Procedures For Electronic Case Filing
- Guidelines For Electronic Case Filing
- 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case Or Appeal